

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

PATRICK EVANS CLARK

PETITIONER

v.

No. 3:19CV300-GHD-RP

MARSHALL TURNER, ET AL.

RESPONDENTS

**ORDER DENYING PETITIONER'S REQUEST [22] FOR
A COPY OF THE STATE COURT RECORD**

This matter comes before the court on the motion [22] by petitioner Patrick Evans Clark for a copy of the record of state court proceedings regarding his conviction for capital murder. The State produced the 2,700-page record to the court. Mr. Clark sets forth fifteen grounds for relief in his petition. The State argues that eleven of those grounds are procedurally defaulted; thus, as to those grounds, the state court record would provide Mr. Clark little benefit. The remaining four grounds are:

One: The trial court erred in requiring Clark to respond to cross-examination questions about a statement which had been excluded by pretrial order.

Two: Trial counsel was ineffective for: (1) failing to object to unrelated other bad act evidence offered by the State; (2) failing to request a limiting instruction on such evidence; (3) failing to seek an instruction on self-defense; and (4) failing to make a proffer of Clark's prospective testimony after the trial court refused to allow Clark to be recalled as a witness.

Five: The trial court erred by allowing the ex-coroner's investigator, Donna Steven, to testify as to Dr. Steven T. Hayne's state medical examiner autopsy report.

Nine: The trial court abused its discretion in allowing the prosecution to place inadmissible evidence that was precipitated by plea negotiations before the jury.

Mr. Clark has not stated why he might need the entire record to address these grounds, which he has already argued and presented to the court. The court has reviewed the arguments as presented by Mr. Clark and the State and fully understands them. For these reasons, the petitioner's motion [22] for a copy of the entire state court record is **DENIED**.

SO ORDERED, this, the 24th day of September, 2020.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE